

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

RUSSELL F. SHEEHAN, as he is ADMINISTRATOR,
ELECTRICAL WORKERS' HEALTH AND
WELFARE FUND, LOCAL 103, I.B.E.W.;
ELECTRICAL WORKERS' PENSION FUND,
LOCAL 103, I.B.E.W.; ELECTRICAL WORKERS'
SUPPLEMENTARY HEALTH AND WELFARE
FUND, LOCAL 103, I.B.E.W.; ELECTRICAL
WORKERS' DEFERRED INCOME FUND,
LOCAL 103, I.B.E.W.; ELECTRICAL WORKERS'
JOINT APPRENTICESHIP AND TRAINING
FUND, LOCAL 103, I.B.E.W.; ELECTRICAL
WORKERS' EDUCATIONAL AND CULTURAL
FUND; ANTHONY J. SALAMONE, as he is
ADMINISTRATOR, NATIONAL ELECTRICAL
BENEFIT FUND; and LOCAL 103, INTERNATIONAL
BROTHERHOOD OF ELECTRICAL WORKERS,
Plaintiffs

vs.

CHRIS MEALEY ELECTRICAL, INC.,
Defendant

and

FIRST TRADE UNION BANK and FLEET BANK,
Trustees

C.A. No. 04-12209 EFH

PLAINTIFFS' MOTION FOR COMPLIANCE WITH COURT ORDERS

Plaintiffs, Russell F. Sheehan, as he is Administrator, et al, respectfully move this honorable Court for an order compelling Defendant Chris Mealey Electrical, Inc. to fully comply with the terms of this Court's Electronic Orders of February 15 and March 15, 2006, wherein this Court endorsed the Plaintiffs' Recommendations of February 9, 2006 and March 14, 2006

with regard to this Court's finding of contempt against the Defendant's owner Christopher J. Mealey.

In their February 9, 2006 Recommendation to this Court, the Plaintiffs sought the production by February 17 of documents for the years 2004 and 2005, such as tax returns, which would substantiate that Chris Mealey Electrical, Inc. was no longer in operation as of April, 2004. Mr. Mealey has supplied the corporation's tax return for the year 2004, but has stated that he does not yet have a 2005 tax return for Chris Mealey Electrical, Inc. Plaintiffs alternatively requested from Mr. Mealey a letter, or other appropriate documentation, from his accountant confirming that the corporation did not conduct any business in 2005. After a telephone conversation between Mr. Mealey and Funds' counsel on March 13, the Funds submitted their March 14, 2006 Recommendation to this Court, which recommended – based upon counsel's conversation with Mr. Mealey – that Mr. Mealey be allowed until March 17 to have his accountant provide the Funds with said documentation. The documentation has not been provided to date.

It is imperative that the Funds receive this documentation because, without it, they cannot confirm that Chris Mealey Electrical, Inc. did not operate for 2005 and that, as such, no fringe benefit contributions would be owed for that year. The Funds are obligated under the Employee Retirement Income Security Act of 1974 (“ERISA”) to remain fully funded so that they can provide all of the benefits to which their participants and beneficiaries are contractually entitled. See 29 U.S.C. §1001, et seq. The Funds depend on their signatory employers, such as Chris Mealey Electrical, Inc., to remit the full amount of contributions owed under the terms of the collective bargaining agreement so that the Funds may remain fully funded. In that way, the

Funds can be ensured of paying the workers' hard-earned health and welfare and pension benefits.

WHEREFORE, the Plaintiffs respectfully move this honorable Court for an order compelling Defendant Chris Mealey Electrical, Inc. to fully comply with the terms of this Court's Electronic Orders of February 15 and March 15, 2006.

Respectfully submitted,

RUSSELL F. SHEEHAN, as he is
ADMINISTRATOR, ELECTRICAL
WORKERS' HEALTH AND WELFARE
FUND, LOCAL 103, I.B.E.W., et al,

By their attorneys,

/s/ Gregory A. Geiman
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Dated: March 22, 2006

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Motion for Compliance with Court Orders has been served by certified and first class mail upon defendant Chris Mealey Electrical, Inc. at 90 Wilkins Road, Braintree, MA 02184 this 22nd day of March, 2006.

/s/ Gregory A. Geiman
Gregory A. Geiman, Esquire